

[COUNSEL LISTED ON SIGNATURE PAGE]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

WAYMO LLC,

Plaintiff,

vs.

UBER TECHNOLOGIES, INC. and
OTTOMOTTO LLC,

Defendants.

CASE NO. 3:17-cv-00939-WHA

**FOURTH JOINT STIPULATION AND
~~PROPOSED~~ ORDER TO EXTEND
THE DEADLINE UNDER PARAGRAPH
15 OF THE INTERIM MODEL
PROTECTIVE ORDER**

Pursuant to Civil Local Rules 6-1(b) and 6-2(a), and upon the accompanying declaration of Meredith R. Dearborn, dated February 1, 2019 (“Dearborn Decl.”), Plaintiff Waymo LLC and Defendants Uber Technologies, Inc. and Ottomotto LLC hereby stipulate and agree to the following one-hundred-and-twenty-day extension, from February 6, 2019 until June 6, 2019, of the deadline to comply with the requirements of Paragraph 15 of the Interim Model Protective Order:

1. On March 16, 2017, the Court ordered that the parties be bound by the Interim Model Protective Order (the “Protective Order”), a true and correct copy of which is attached as Exhibit A to the accompanying declaration of Meredith R. Dearborn. *See* Dearborn Decl. ¶ 3.

2. Paragraph 15 of the Protective Order provides that, “[w]ithin 60 days after the final disposition of this action, as defined in paragraph 4, each Receiving Party must return all Protected Material to the Producing Party or destroy such material,” and further requires each Receiving Party to certify in writing by the 60-day deadline (1) that all of the material subject to the Protective Order was returned or destroyed, and (2) that it has not retained copies, abstracts, compilations, or summaries of material subject to the Protective Order. *See* Dearborn Decl., ¶ 4 and Ex. A.

3. The parties settled this lawsuit, and a final disposition was entered on February 9, 2018. *See* Dearborn Decl. ¶ 5.

4. Each Receiving Party, as defined by Paragraph 2.17 of the Protective Order, had sixty days from that final disposition, until April 10, 2018, to comply with the requirements of Paragraph 15. *See* Dearborn Decl. ¶ 5 and Ex. A.

5. On April 6, 2018, the parties filed a stipulation and proposed order extending the deadline to comply with Paragraph 15 until June 11, 2018, citing the pendency of related matters that impose document preservation obligations on the parties that conflict with Paragraph 15’s requirements. *See* Dearborn Decl. ¶ 6. The parties further indicated that they “might hereafter request additional time if those obligations have not been satisfied.” *Id.*

6. The Court approved the stipulation and signed the proposed order on April 9, 2018. *See* Dearborn Decl. ¶ 7 and Ex. B.

7. On June 7, 2018, the parties filed a second stipulation and proposed order extending

the deadline to comply with Paragraph 15 for another 120 days, until October 9, 2018. *See* Dearborn Decl. ¶ 8.

8. The Court approved the stipulation and entered the proposed order on June 11, 2018. *See* Dearborn Decl. ¶ 8 and Ex. C.

9. On October 9, 2018, the parties filed a third stipulation and proposed order extending the deadline to comply with Paragraph 15 for another 120 days, until February 6, 2019. *See* Dearborn Decl. ¶ 8.

10. The Court approved the stipulation and entered the proposed order on October 9, 2018. *See* Dearborn Decl. ¶ 9 and Ex. D.

11. The parties agree that additional time is still needed to satisfy conflicting preservation obligations, and that the parties may still hereafter request additional time if those obligations have not been satisfied. *See* Dearborn Decl. ¶ 10.

IT IS SO STIPULATED

DATED: February 4, 2019 QUINN EMANUEL URQUHART & SULLIVAN LLP

By: /s/ David A. Perlson
David A. Perlson
Attorneys for Plaintiff WAYMO LLC

DATED: February 4, 2019 BOIES SCHILLER FLEXNER LLP

By: /s/ Meredith R. Dearborn
Meredith R. Dearborn
Attorneys for Defendants UBER TECHNOLOGIES, INC. and OTTOMOTTO LLC

PURSUANT TO STIPULATION, IT IS SO ORDERED.

DATED: February 5, 2019


Honorable William Alsup

SIGNATURE ATTESTATION

Pursuant to Local Rule 5-1(i)(3), I attest under penalty of perjury that concurrence in the filing of this document has been obtained from any other signatory to this document.

DATED: February 4, 2019

By: /s/ Meredith R. Dearborn

Meredith R. Dearborn